

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TMCO, LTD,  
Plaintiff,  
v.  
MIKHAIL BRODSKY, et al.,  
Defendants.

Case No. [20-cv-09300-AGT](#)

**ORDER DENYING DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

Re: Dkt. No. 79

Defendants' motion for summary judgment is denied. As discussed during the February 3, 2023, hearing, genuine issues of material fact exist as to:

1. whether Alex Feerer transferred the Lombard property to Mikhail and Tatyana Brodsky with the "actual intent to hinder, delay, or defraud" TMCO in its judgment collection efforts, *see* Cal. Civ. Code § 3439.04(a)(1);
2. whether the Brodskys took the Lombard property from Feerer "in good faith," *see* Cal. Civ. Code § 3439.08(a); *Nautilus, Inc. v. Yang*, 11 Cal. App. 5th 33, 37 (2017) (holding that "a transferee cannot benefit from the good faith defense if that transferee had fraudulent intent, colluded with a person who was engaged in the fraudulent conveyance, actively participated in the fraudulent conveyance, or had actual knowledge of facts showing knowledge of the transferor's fraudulent intent"); and
3. whether the Brodskys paid Feerer "reasonably equivalent value" for the Lombard property, *see* Cal. Civ. Code §§ 3439.08(a), 3439.05(a).<sup>1</sup>


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<sup>1</sup> The factual issues precluding summary judgment on TMCO's claims for fraudulent transfer under Cal. Civ. Code §§ 3439.04 and 3439.05 also preclude summary judgment on TMCO's conspiracy claim, which relies on the statutory claims.

1           These genuine issues of material fact must be presented to a jury. Accordingly,  
2 defendants' motion is denied, and this case will proceed to trial on April 17, 2023. The Court will  
3 issue a separate order setting forth pretrial deadlines and guidelines for trial.

4           **IT IS SO ORDERED.**

5           Dated: February 8, 2023

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10           ALEX G. TSE  
11           United States Magistrate Judge  
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United States District Court  
Northern District of California